

Remarks on Signing the Enhanced Border Security and Visa Entry Reform Act of 2002

May 14, 2002

The President. Thank you all. Please be seated. Thank you all for coming. I'm honored today to sign a bill that is an important step in an effort to secure our border, while promoting trade and commerce. It's a good piece of legislation. It's bipartisan legislation. And I want to thank the members of both parties who have worked hard to get this bill to my desk.

I want to thank Tom Ridge, who's here. Where are you, Tom? Oh, you're Tom Ridge, yeah. [*Laughter*] At least that's what some of the Members are saying. I particularly want to thank Senators Kyl and Brownback and Kennedy, Feinstein, and Hatch for being here—fine, fine Members of the United States Senate. I want to thank you for coming. I also want to appreciate Chairman Jim Sensenbrenner and George Gekas as well. These Members worked hard on this legislation. I want to thank the members of my administration who are here.

I also want to say hello to Arlene Howard. Ms. Howard, it's good to see you. A lot of folks might remember—you can stand up. [*Applause*] Thank you for coming. Arlene gave me her son, George's, badge and—as a reminder of the evil that had been done to our country. You look great. I remember when I went over to Yankee Stadium to throw out the ball there at the World Series, Arlene's—one of Arlene's other sons was there. Where is he? Oh, there he is. Thanks for the advice—aim high. [*Laughter*]

I want to thank Peter Johnson, who was George's partner for 12 years. Peter, thanks for coming. It's good to see you. I appreciate you being here. Thank you, sir.

I want to welcome you all. I was looking at Arlene and the brave folks here; it reminds me of what was done to us there on September 11th and how important it

is that we remain tough and strong and diligent as we seek justice, as we chase down these killers one by one and bring them to justice.

And that's a major responsibility of all of ours, and it's a responsibility we take seriously. The country is united in our drive for justice. This Nation is determined, and we're patient, much to the chagrin of the enemy. It must make them really worried to know that we don't have a calendar that says, on such-and-such a date we're going to quit, that when it comes to our freedoms—defending our freedoms and securing our homeland and protecting our innocent Americans and never forgetting what happened on September the 11th, we are some kind of tough. And that's the way it's going to be.

We've got responsibilities here at home as well, and it starts with our borders. Our borders process an incredibly huge number of people. It may come as a surprise to some of you, but there's—over 500 million people a year enter America, and half of those are our own citizens that may have been traveling. We have 11 million trucks come across our borders. We have 51,000 foreign ships call into our ports. It reminds us that no nation can be totally secure or more secure, unless we're well-protected and unless our borders are well-screened. We must know who's coming into our country and why they're coming. We must know what our visitors are doing and when they leave. That's important for us to know. It's knowledge necessary to make our homeland more secure.

America is not a fortress; no, we never want to be a fortress. We're a free country. We're an open society. And we must always protect the rights of our law—of law-abiding citizens from around the world who come here to conduct business or to study

or to spend time with their family. That's what we're known for. We're known for respect.

But on the other hand, we can do a better job of making our borders more secure and make our borders smart. We must use technology and be wise about how we use technology, to speed the flow of commerce across our borders and to identify frequent travelers who pose no risk. We should be directing resources to risk. We ought to be routing out smugglers and focusing on criminals and, of course, stopping terrorists from coming into the country.

The bill I sign today enhances our ongoing efforts to strengthen our borders. The purpose of this bill is to help our country do a better job of border security. It authorizes 400 additional inspectors, investigators, and other staff on the INS over the next 5 years. We're adding manpower, obviously. It makes it easier for the INS and other Federal agencies to get better information about people and products that come into America. It requires every foreign visitor desiring entrance into the United States to carry a travel document containing biometric identification—that would be fingerprints or facial recognition—that will enable us to use technology to better deny fraudulent entry into America.

It strengthens the requirements that all commercial passenger ships and airplanes entering the United States provide a list of passengers and crew before arrival, so that border authorities can act immediately to prevent someone from entering the country if he or she poses a threat to our citizens. It makes a lot of sense to do that. We should have probably been doing it a long time ago.

These new measures will only be effective if Federal authorities have access to important information. One of the things we've learned is how to better share information. Right now, the FBI and the CIA do a good job of sharing information. Information is getting better shared from the

Federal to the State to the local levels. But we've got to do a better job of sharing information and expanding information to the INS and the State Department and Customs agents and throughout the intelligence community. We've just got to do a better job.

This bill enables us to modernize our communication, so the information flows freely and quickly. The legislation requires law enforcement and intelligence communities to continue to develop a list of suspected terrorists and to maintain that list and to make it readily available, so that nobody is granted entry into the United States that's on the list.

In other words, we're beginning to gather information overseas in a much better way. We've got a vast coalition of nations that are still with us. They heard the message, "Either you're with us, or you're not with us." They're still with us. And we're sharing information, and we can use that—better use that information with our own agencies here at home, to make sure that we really button us up, that we do our job, the job the American people expect.

The bill didn't have everything I wanted. I wanted a temporary extension of 245(i) in the bill, which basically allowed certain immigrants, sponsored by their families or employers, to become legal residents without having to leave the country, so that families can stay together. I thought that made sense. It's not a part of the bill. I intend to work with Congress to see if we can't get that done here pretty quick.

Yet, the commonsense measures will help us meet the goal, and that's important. It will help us meet the goals of legitimate commerce and important travel. And at the same time, it will help us keep the country secure. Basically what we're saying is, this is part of a—legislative part of a national strategy. Tom's worked on the national strategy. He's worked with our respective agency heads. And Congress has been a great partner in this strategy. This is good work.

You know, sometimes in Washington we actually are able to put our political parties aside and focus on what's best for the country. And we're able to say, let's make sure America comes—is the first priority of all of us. And this has happened in this bill.

So it's my honor to welcome both Republicans and Democrats from the legislative branch of Government here as I sign this important legislation.

Thank you all for coming. God bless.

[At this point, the President signed the bill.]

The President. Thank you all very much.

NOTE: The President spoke at 3:29 p.m. in Room 450 of the Dwight D. Eisenhower Executive Office Building. In his remarks, he referred to Officer George G. Howard, Port Authority of New York and New Jersey, who was killed in the World Trade Center collapse on September 11, 2001, and his mother, Arlene; Sgt. Patrick Howard, New York Police Department; and Officer Peter Johnson, Port Authority of New York and New Jersey. H.R. 3525, approved May 14, was assigned Public Law No. 107–173.

Statement on Signing the Enhanced Border Security and Visa Entry Reform Act of 2002

May 14, 2002

I have today signed into law H.R. 3525, the “Enhanced Border Security and Visa Entry Reform Act of 2002.” The legislation strengthens the ability of the U.S. Government to control the country's borders, a top priority of my Administration. The Act will improve our ability to screen aliens seeking to enter our country, facilitate the sharing of border-related information among U.S. agencies, and improve efforts to keep track of foreign students and foreign exchange visitors in the United States.

Section 2(4)(G) of the Act defines as a Federal law enforcement agency the “Coastal Security Service.” Because no such agency exists, and the principal agency with coastal security functions is the U.S. Coast Guard, the executive branch shall construe this provision as referring to the Coast Guard.

Several sections of the Act raise constitutional concerns.

Sections 2(6), 201(c)(2), and 202(a)(3) purport to require the President to act through a specified assistant to the President or in coordination or consultation with specified officers of the United States,

agencies, or congressional committees. The President's constitutional authority to supervise the unitary executive branch and take care that the laws be faithfully executed cannot be made by law subject to requirements to exercise those constitutional authorities through a particular member of the President's staff or in coordination or consultation with specified officers or elements of the Government. Accordingly, the executive branch shall treat the purported requirements as precatory.

Section 203 requires the President, in appointing the nine members of the Commission on Interoperable Data Sharing, to appoint eight of them from a list of nominees provided by the congressional leadership acting jointly. Laws that provide for appointment in the Government of individuals to exercise significant governmental authority must provide for such appointment by one of the means specified in the Appointments Clause of the Constitution, which includes appointment by the President with Senate consent or by the President alone, but does not include appointment by the President from a pool of persons selected